

Applicants: Douglas J. M. Allen et al.  
Serial No.: 10/716,098  
Filed : November 17, 2003  
Page 3

was an error to include a nonstatutory double-patenting rejection over U.S. Patent No. 6,706,721 in the February 11, 2008 Office Action. Examiner Truong requested Mr. Lin to note this error in Applicants' response to the February 11, 2008 Office Action.

Therefore, applicants respectfully request that the Examiner reconsider and withdraw the rejection of double patenting.

Because the obviousness-type double patenting rejection was the sole rejection set forth in the February 11, 2008 Office Action, applicants respectfully submit that the subject application is in condition for allowance.

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

In accordance with their duty of disclosure under 37 C.F.R. §1.56, applicants would like to direct the Examiner's attention to the following documents which are listed on Form PTO-1449 **(Exhibit A)** and are also listed below.

This Supplemental Information Disclosure Statement is being submitted pursuant to 37 C.F.R. §1.97(c) before the mailing of a Final Office Action. Pursuant to 37 C.F.R. § 1.97 (c)(2), the fee for filing this Supplemental Information Disclosure Statement is ONE HUNDRED AND EIGHTY DOLLARS (\$180.00) and a check covering this amount is enclosed. Thus, this Supplemental Information Disclosure Statement should be entered and considered.

Applicants: Douglas J. M. Allen et al.  
Serial No.: 10/716,098  
Filed : November 17, 2003  
Page 4

Reference items 1 and 2 are either U.S. patents or U.S. patent application publications. Pursuant to 37 C.F.R. 1.98(a)(2), copies of reference items 1 and 2 are not being submitted.

In addition, the above-identified application claims benefit under 35 U.S.C. §120 of Serial No. 09/355,534, filed July 29, 1999. In accordance with 37 C.F.R. §1.98(d), copies of the documents listed herein as items 3-5, 7 and 8, which have previously been submitted to, or cited by the U.S. Patent Office in connection with Serial No. 09/355,534, are not provided.

Furthermore, reference item 10 was cited by the U.S. Patent Office in connection with the subject application. Therefore, a copy of reference item 10 is not being submitted.

Copies of the documents listed below as items 6, 9 and 11-17 are attached hereto as **Exhibits 1-9**, respectively.

1. U.S. Patent No. 6,706,721, issued March 16, 2004 (Allen et al.);
2. U.S. Patent Publication No. 2002/0061304, published May 23, 2002 (Miller et al.);
3. Japanese Patent No. 10036325, published February 10, 1998;
4. Japanese Patent No. 10036326, published February 10, 1998;
5. PCT International Application Publication No. WO 96/25422,

Applicants: Douglas J. M. Allen et al.  
Serial No.: 10/716,098  
Filed : November 17, 2003  
Page 5

published August 22, 1996;

6. PCT International Application Publication No. WO 97/38983, published October 23, 1997 **(Exhibit 1)**;
7. PCT International Application Publication No. WO 01/70255, published September 27, 2001;
8. Czech Patent No. 2000-3974, published May 16, 2001;
9. Driscoll D. et al., "Effect of Epidermal Growth Factor Receptor Tyrosine Kinase Inhibitor PD183805 on Vascular Endothelial Growth Factor Secretion from Several Tumor Models" (1999) XP-001014746 (Abstract only) **(Exhibit 2)**;
10. Grünwald V. et al., (2003) REVIEW, J. Nat. Can. Inst., Vol. 95, No. 12, pp. 851-867;
11. Ishiwata T. et al., "Characterization of Keratinocyte Growth Factor and Receptor Expression in Human Pancreatic Cancer" (1998) *American Journal of Pathology* 153(1): 213-222 **(Exhibit 3)**;
12. Liu N. et al., "Comparative Phenotypic Studies of Duct Epithelial Cell Lines Derived from Normal Human Pancreas and Pancreatic Carcinoma" (1998) *American Journal of Pathology* 153(1) 263-269 **(Exhibit 4)**;
13. Norris T., et al. "Discovery of a new stable polymorph of 4-(3-ethynylphenylamino)-6,7-bis(2-methoxyethoxy)

Applicants: Douglas J. M. Allen et al.  
Serial No.: 10/716,098  
Filed : November 17, 2003  
Page 6

quinazolinium methanesulfonate using near-infrared spectroscopy to monitor form change kinetics" *J. Chem. Soc., Perkins Trans. 2* (2000) 12:2498-2502 **(Exhibit 5)**;

14. Pollack et al., "Therapy of human Carcinomas in athymic mice by inhibition of EGF receptor-mediated signal transduction with CP-358774: Dynamics of receptor inhibition and anti-tumor effects" *Proceedings of the Annual Meeting of the American Association for Cancer Research* (1999) 291(2):739-748 (Abstract only) **(Exhibit 6)**;
15. SMR Committee: "Protein Kinases: Therapeutic Opportunities" *The Newsletter for the Society for Medicines Research* (1999) 5(2):1-8 **(Exhibit 7)**;
16. Watanabe M. et al., "Overexpression of Keratinocyte Growth Factor in Cancer Cells and Enterochromaffin Cells in Human Colorectal Cancer" (2000) *Pathology International* 50:363-372 **(Exhibit 8)**; and
17. Woodburn J.R. et al., "ZD1839, An Epidermal Growth Factor Tyrosine Kinase Inhibitor Selected for Clinical Development" (1997) XP-001009911 (Abstract only) **(Exhibit 9)**.

Applicants request that the Examiner review the references and make them of record in the subject application.



Applicants: Douglas J. M. Allen et al.  
Serial No.: 10/716,098  
Filed : November 17, 2003  
Page 7

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the \$180.00 fee for the submission of the Supplemental Information Disclosure Statement, is deemed necessary in connection with the filing of this Response. However, if any other fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Gary J. Gershik* 5/12/08  
John P. White  
Reg. No. 28,678  
Gary J. Gershik  
Reg. No. 39,992

*Gary J. Gershik*  
John P. White  
Registration No. 28,678  
Gary J. Gershik  
Registration No. 39,992  
Attorneys for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400